

**COMMONWEALTH OF VIRGINIA  
ADMINISTRATIVE PLAN FOR THE PUBLIC ASSISTANCE GRANT PROGRAM**

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## **PUBLIC ASSISTANCE DOCUMENTS**

### **STATE PLANS & REGULATIONS**

- Commonwealth of Virginia Emergency Operations Plan: Available at <http://www.vaemergency.com/library/plans/index.cfm>
- Commonwealth of Virginia Emergency Operations Plan, Vol. 2, 2004, Appendix 10 (Disaster Funding and Financial Management): Available at <http://www.vaemergency.com/library/plans/coveop/eopvol2/eopvol2.pdf>
- Commonwealth of Virginia Travel Regulations: Available at [http://www.doa.virginia.gov/Admin\\_Services/CAPP/CAPP\\_Topics/20335.pdf](http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Topics/20335.pdf)

### **COMMONWEALTH OF VIRGINIA FORMS\***

Designation of Applicant's Agent  
Example of the Designation of Applicant's Agent Letter  
Applicant Assurances  
Private Non-Profit Organization Certification  
Progress Report  
Request for Alternate Project  
Request for Improved Project  
Request for Project Time Extension

### **FEDERAL FORMS\***

Force Account Equipment Summary Record (FEMA Form 90-127)  
Force Account Labor Summary Record (FEMA Form 90-123)  
Private Non-Profit Facility Questionnaire (FEMA Form 90-121)  
Special Considerations Questions (FEMA Form 90-120)  
Contract Work Summary Record (FEMA Form 90-126)  
Summary Sheet for Assurances and Certifications (FEMA Form 20-16)  
Request for Public Assistance (FEMA Form 90-49)  
Project Worksheet (FEMA Form 90-91)  
Project Worksheet Cost Estimate Continuation Sheet (FEMA Form 90-91 B)  
Applicant's Benefits Calculation Worksheet (FEMA Form 90-128)  
FEMA Schedule of Equipment Rates  
Application for Federal Assistance (SF 424)  
Application for Federal Assistance (SF 424) (Instructions)

\* Copies of these forms are available at  
<http://www.vaemergency.com/recover/pubassist/index.cfm>

## **I. PURPOSE**

The purpose of this Public Assistance (PA) Grant Program Administrative Plan is to define the Commonwealth of Virginia's (hereinafter referred to as the State) roles, responsibilities, processes, and procedures for administering the Federal Emergency Management Agency (FEMA) Public Assistance Grant Program. This plan is an element of the Commonwealth of Virginia's Emergency Operations Plan (EOP) and complies with 44 CFR § 206.207(4).

The State assures FEMA that it shall comply with all applicable Federal statutes and regulations in effect during the periods for which it receives grant funding, including those listed under Section II below. The State acknowledges that funding under the FEMA PA Grant Program is conditional upon the State's compliance with all the terms and conditions of this plan. However, it should be noted that in the case where there is no Presidential declaration, but there is a Gubernatorial declaration, the Governor retains discretion as to the level and timing of funding. In emergencies declared solely by the Governor, or by the Governor and the President, VDEM is the state agency, which will coordinate actions.

An outcome of the development and approval of this administrative plan is the development of disaster specific annexes. An annex will define and address the specific conditions applicable to a disaster event, including but not limited to, declarations, damage assessments, staffing, or training information. An annex allows a more effective approach to disaster management and response as it will no longer require a review of this plan in its entirety for each disaster. Rather, an annex is a targeted and focused plan reflective of the specifics of the current disaster. As a result, there is no disaster specific information contained in this Plan.

## **II. AUTHORITIES**

### **A. State**

1. Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended.
2. Commonwealth of Virginia Emergency Operations Plan.
3. Executive Orders of the Governor.
4. FEMA-State Agreement (developed for each disaster event).
5. Virginia House Joint Resolution #54, 1983.

### **B. Federal**

1. 42 U.S.C. § 5121-5206, Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended.
2. FEMA Regulation, 44 CFR § Parts 9, 10, 13, 14, and 206

3. Office of Management and Budget Circulars A-21, A-87, A-102, A-110, A-122, and A-133
4. 16 U.S.C. § 3501, Coastal Barrier Resource Act
5. 16 U.S.C. § 470, National Historic Preservation Act (NHPA)
6. 16 U.S.C. § 1531, Endangered Species Act References
7. Executive Order 11988, Floodplain Management
8. Executive Order 11990, Protection of Wetlands
9. Executive Order 12612, Federalism
10. Executive Order 12898, Environmental Justice
11. Executive Order 12699, Seismic Design

### III. DEFINITIONS

- **Alternate Project:** A subgrantee may determine that the public welfare would not be best served by restoring a damaged facility or its function to the pre-disaster design. In this situation, the subgrantee may use the PA grant for permanent restoration on that facility for other purposes. *[Note: This complies with the Stafford Act § 406(c)(1), 44 CFR § 206.203(d)(2), PA Guide (FEMA #322), pgs 84 and 85.]*
- **Applicant:** A State, local, Indian Tribal government, other legal entity, or certain private non profit organizations that receive a subgrant award and which is accountable to the grantee for the use of the funds provided. Also referred to as the subgrantee.
- **Applicant's Agent:** The applicant's point-of-contact for all matters pertaining to its request for Federal assistance.
- **Applicant/Subgrantee:** A state agency, local government, or eligible private non-profit organization that receives an award and is accountable to the grantee under the State's PA Grant Program.
- **Educational Institution:**
  - A. Any elementary school, as defined by Section 801(c) of the Elementary and Secondary Education Act of 1965.
  - B. Any secondary school, as defined by Section 801(h) of the Elementary and Secondary Education Act of 1965.

C. Any institution of higher education, as defined by Section 1201 of the Higher Education Act of 1965.

- **Emergency Work:** Work that must be done before, during and immediately after a disaster event to save lives, protect improved property, public health and safety; or to avert or lessen the threat of a major disaster. Under the PA Grant Program, Category A (Debris Removal) and Category B (Emergency Protective Measures) are referred to as Emergency Work.
- **Facility:** Any publicly- or privately-owned building, works, system, or equipment, built or manufactured, or an improved and maintained natural feature. Land used for agriculture purposes is not a facility.
- **Federal Coordinating Officer (FCO):** The person appointed by the President or the director of FEMA to coordinate federal assistance for a specific major disaster declaration.
- **Federal Emergency Management Agency (FEMA):** The Federal agency responsible for coordinating Federal disaster recovery efforts. The term used in this plan when referring to the Regional Director or the Disaster Recovery Manager of FEMA Region III.
- **FEMA-State Agreement:** A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as the result of the major disaster or emergency declared by the President. .
- **Force Account:** An applicant's own labor forces and equipment.
- **Governor's Authorized Representative (GAR):** The person designated by the Governor of Virginia to execute all necessary documents for disaster assistance programs on behalf of the State and local grant recipients. The GAR is responsible for State compliance with the FEMA-State Agreement. Generally, the GAR will also be designated as the State Coordinating Officer (SCO).
- **Grant:** An award of financial assistance. The grant award shall be based on the total eligible federal share of all approved projects.
- **Grantee:** The state government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. For purposes of this plan, the Commonwealth of Virginia, hereinafter referred to as the State or the Commonwealth, is the grantee.
- **Hazard Mitigation:** Mitigation measures that must be directly part of the reconstructed work on a facility, or will protect or benefit the repaired portion of the facility. They are different from mitigation measures that are considered for eligibility under the Hazard

Mitigation Grant Program (HMGP) of Section 404 of the Stafford Act. In the HMGP program, measures are proposed that may involve facilities other than those damaged by the disaster, new facilities or even non-structural measures such as development of floodplain management regulations.

- **Immediate Needs Funding (INF):** An advance of grant funds by FEMA, not to exceed 50% of the Preliminary Damage Assessment estimate, to assist with payment of emergency work within the first 60 days after a declared disaster occurs. Such needs will be identified during the Preliminary Damage Assessment.
- **Immediate Threat:** The threat of additional damage or destruction from an event that can reasonably be expected to occur within five years. See pages 50 and 51 of the FEMA Public Assistance Guide, FEMA-322 / October 1999 for specific information regarding flooding, landslides, earthquakes, and hurricanes.
- **Improved Project:** When performing restoration work on a damaged facility, a subgrantee may decide to use the opportunity to make improvements to the facility. Projects that incorporate such improvements are called improved projects. The improved facility must have the same function and at least the equivalent capacity as that of the pre-disaster facility. Funding for such projects is limited to the Federal share of the costs that would be associated with repairing or replacing the damaged facility to its pre-disaster design. The subgrantee must obtain approval for an improved project from the State prior to construction.
- **Improved Property:** A structure, facility, or item of equipment, which was built, constructed, or manufactured, and maintained. Land used for agricultural purposes is not improved property.
- **Joint Field Office (JFO):** A temporary facility established in a Presidentially declared disaster area to serve as the field headquarters for FEMA. The JFO is the focal point for disaster operation, direction, coordination and information. Federal and state disaster response and recovery staff is usually co-located in the JFO.
- **Large Project:** Approved project whose estimated cost is above the designated threshold. Large projects are funded using a final accounting of actual costs. The Large Project threshold for FFY 2006 is \$57,500. This threshold is adjusted annually at the beginning of the Federal fiscal year (October 1).
- **Major disaster:** Any natural catastrophe, including any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, which, in the determination of the President of the United States is, or thereafter determined to be, of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act (P.L. 93-288 as amended by P. L. 100-707) to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship or suffering caused thereby and is so declared by the President.

- **National Flood Insurance Program (NFIP):** A federal program to identify flood-prone areas nationwide and make flood insurance available to those owners and renters of flood-prone property.
- **Permanent Work:** This work provides assistance for repairing, restoring, reconstructing, or replacing any public facility belonging to an eligible applicant. The Federal share is based on the design of the facility, as it existed immediately prior to the disaster and/or in conformity with applicable Local, State, and National codes, specifications, and standards. Categories C (Road Systems), D (Water Control), E (Public Building and Equipment), F (Public Utilities Systems), and G (Other – i.e., Park, Recreational Facilities) are considered Permanent Work.
- **Pre-Disaster Design:** The size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the major disaster occurred if different from the most recent designed capacity.
- **Preliminary Damage Assessment:** The Preliminary Damage Assessment (PDA) is a joint venture between FEMA and the State and local governments to document the impact and magnitude of the disaster on individuals, families, businesses, and public property. The Governor will use the information gathered during the PDA process to determine whether Federal assistance should be requested. The identification of “immediate needs” may result in emergency work being funded immediately upon declaration.
- **Private Nonprofit Facility (PNP):** Any private nonprofit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President. Further definition is as follows:
  - A. Educational Facilities – Classrooms plus related supplies, equipment, machinery, and utilities of an educational institution necessary or appropriate for instructional, administrative, and support purposes, but does not include buildings, structures, and related items used primarily for religious purposes or instruction.
  - B. Utility – Buildings, structures, or systems of energy, communication, water supply, sewage collection and treatment, or other similar public service facilities.
  - C. Irrigation facility – Those facilities that provide water for essential services of a governmental nature to the general public. Irrigation facilities include water for fire suppression, generating and supplying electricity, and drinking water supply; they do not include water for agricultural purposes.
  - D. Emergency Facility – Those buildings, structures, equipment, or systems used to provide emergency services such as fire protection, ambulance, or rescue, to the

general public, including the administrative and support facilities essential to the operation of such emergency facilities even if not contiguous.

E. Medical Facility – Any hospital, outpatient facility, rehabilitation facility, or facility for long-term care as such terms are defined in Section 645 of the Public Health Service Act (42 USC 2910) and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operation of such medical facilities, even if not contiguous.

F. Custodial Care Facility – Those buildings, structures, or systems, including those for essential administration and support, which are used to provide institutional care for persons who require close supervision and some physical constraints on their daily activities for their self-protection, but do not require day-to-day medical care.

G. Other Essential Government Services Facilities – Facilities such as museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature, as defined by the President. All such facilities must be open to the general public.

- **Private Nonprofit Organization:** Any nongovernmental agency or entity that currently has:
  - A. An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954, or
  - B. Satisfactory evidence from the State that the organization or entity is a nonprofit one organized or doing business under State law.
- **Project Officer (PO):** A PO is knowledgeable about eligibility and Special Considerations, and will take the lead in working with the applicant to develop scopes of work and cost estimates for large projects. The PO is responsible for identifying the need for Specialists and working with the Public Assistance Coordinator (PAC) to ensure appropriate personnel are assigned to assist in large project development.
- **Project Worksheet (FEMA Form 90-91) (PW):** Form used to document the damages, define the scope of work, and estimate the cost(s) for completing a project.
- **Public Assistance (PA):** Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain private, nonprofit organizations other than assistance for the direct benefit of individuals and families. Fire Management Assistance Grants under section 420 of the Stafford Act are also considered Public Assistance.
- **Public Assistance Coordinator (PAC):** A FEMA/State program expert who serves as the subgrantee's representative on PA Grant Program matters and manages the processing of the subgrantee's projects. State PAC may also be referred to as "liaison".



The PAC is a customer service representative assigned to work with an applicant from declaration to funding approval. The PAC is trained in public assistance policies and procedures and will guide the applicant through the steps necessary to receive funding. This individual is the manager of the case management file (CMF) that contains the applicant's general claim information as well as records of meetings, conversations, phone messages, and any special issues or concerns that may affect funding.

- **Public Assistance Grant Program:** Provides assistance to States, local governments, and certain non-profit organizations to alleviate suffering and hardship resulting from major disasters or emergencies declared by the President. This is supplemental Federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private non-profit (PNP) organizations. The Federal share of assistance is not less than 75% of the eligible cost for emergency measures and permanent restoration. The grantee (usually the State) determines how the non-Federal share (up to 25%) is split with the subgrantees (eligible applicants).
- **Public Entity:** An organization formed for a public purpose whose direction and funding is provided by one or more political subdivisions of the state.
- **Public Facility:** The following facilities owned by a state or local government: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any nonfederal-aid street, road, or highway; any other public building, structure or system, including those used for educational, recreational, or cultural purposes, or any park.
- **Small Project:** Approved projects estimated to cost less than the Large Project threshold amount. The Large Project threshold for FFY 2006 is \$57,500. This threshold is adjusted annually at the beginning of the Federal fiscal year (October 1). Small Projects are funded using an initial estimate of costs.
- **Special Considerations:** A term to describe issues other than program eligibility that could affect the scope of work and funding for a project. These issues include floodplain management, insurance, hazard mitigation measures, and compliance with other Federal laws and regulations, such as those pertaining to protection of the environment and historic preservation.
- **Standards:** Codes, specifications, or standards for the construction of facilities, to include legal requirements for additional features. Such standards may be different for new construction and repair work.
- **State Coordinating Officer (SCO):** The person appointed by the Governor to act in cooperation with the Federal Coordinating Officer to administer disaster recovery efforts. Normally, the SCO will also be designated as the Governor's Authorized Representative (GAR).

- **State Public Assistance Officer (SPA0):** The person responsible for administering the PA Grant Program at the State level. The SPA0 will normally be a member of the State Emergency Management staff.
- **Subgrant:** An award of financial assistance under a grant by the grantee to an eligible subgrantee. The subgrant is a cost-share award providing 75 percent of the estimated costs of a project from federal sources. The state, the local government, the subgrantee, or other source may provide the 25 percent nonfederal share.
- **Subgrantee:** The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a state agency, a local unit of government, a private nonprofit organization that provides essential government services, or Indian tribe as outlined in Section 206.433 of Section 404 Federal Regulations.

#### IV. RESPONSIBILITIES AND ORGANIZATION

##### A. Organization

The Governor is the Director of Emergency Management for the Commonwealth of Virginia as established by The Emergency Services and Disaster Law of 2000, as amended, Section 44-146.17. The Virginia Department of Emergency Management (VDEM) is similarly established by the Emergency Services & Disaster Law of 2000, as amended; Section 44-146.18, as the state agency responsible for emergency management, including the administration of disaster relief efforts for Virginia. The Director of VDEM is appointed by the Governor. During a Presidentially declared major disaster, the Governor historically has appointed the VDEM Director as the Governor's Authorized Representative (GAR). *[Note: This complies with 44 CFR § 206.207(b), Designation of the State agency with responsibility for program administration.]* Additionally, the GAR usually holds the position of State Coordinating Officer (SCO). The SCO is the official responsible for administration of the PA Grant Program. The GAR, assisted by the Public Assistance Officer (PAO), will be responsible for providing technical guidance and assistance to subgrantees during the response and recovery period and throughout the duration of each disaster contract. A disaster contract is established for each Presidentially declared disaster by FEMA. Among other things, the contract sets forth the beginning and ending period for which Federal public assistance is available.

The guidance, assistance, and program management provided by the state shall be sufficient to ensure grantee and subgrantee compliance with the FEMA-State Agreement and grant conditions pertaining to each declared disaster. The PAO is responsible directly to the GAR for implementation of the PA Grant Program. It is Virginia's policy to provide a state representative to work in partnership with counterpart federal officials in most programmatic and sub-programmatic areas, especially where local governments are involved. Therefore, the State's PA

organization chart will mirror FEMA's and the National Response Plan for joint field office (JFO) operations. FEMA is the Federal agency with responsibility for emergency management at the Federal level. The GAR will make adjustments in the organization of applied state resources as necessitated by each disaster.

1. Primary Agency

Virginia Department of Emergency Management (VDEM):

- a) Designate a PAO to supervise the PA Grant Program.
- b) Obtain additional support to supplement staff for the PA Grant Program using contract services, other state agency staff, or reservists. These personnel may serve in any capacity within the State PA organization.

2. VDEM responsibilities include, but are not limited to:

- a) Submitting the application for Federal Assistance (SF-424).
- b) Complying with administrative requirements of 44 CFR § Parts 13 and 206, and the audit requirements of 44 CFR § Part 14.
- c) Notifying potential applicants.
- d) Scheduling and conducting Applicant's Briefings.
- e) Requesting Immediate Needs Funding on behalf of the applicants.
- f) Participating in Kickoff Meetings.
- g) Assigning a State Public Assistance Officer (SPA) to work with the FEMA PAO.
- h) Assigning a State Public Assistance Coordinator to work with the FEMA Public Assistance Coordinator (PAC).
- i) Assisting FEMA in determining work and applicant eligibility.
- j) Processing requests for appeals, time extensions, improved projects, advance payments, and reimbursements.
- k) Making recommendations to FEMA on Appeals and Alternate Project requests.
- l) Assisting FEMA in securing insurance information from applicants when required.

- m) State and federal representatives will jointly prepare and review Project Worksheets (PWs) and identify Section 406 Hazard Mitigation opportunities and requirements as provided by Section 406 of the Stafford Act. Eligibility determination for Hazard Mitigation Section 406 projects will be based on the following sources: FEMA 9500 Series policies, Appeals Database, Flood Hazard Mitigation Handbook for Public Facilities, and FEMA training manuals (i.e. Special Considerations, PA Policy Digest: FEMA 321, and the PA Guide: FEMA 322).
- n) Monitoring subgrants by conducting quarterly reviews, site inspections and audits as required, ensuring program compliance.
- o) Reviewing and certifying project completion information.
- p) Determining budget and staffing requirements necessary for proper program management.
- q) Partnering with FEMA to conduct Preliminary Damage Assessments (PDA) and damage surveys as a basis for obligating funds for subgrantees. Subsequent to reassessment performed by the State, State representatives will travel with FEMA's PDA and Damage Survey teams to evaluate the extent of the damages resulting from a disaster. The teams will appropriately categorize damages, discuss damage assessments, and reconcile differences.
- r) Providing technical assistance to applicants upon request.
- s) Preparing the disaster specific Annex.

## **B. Organization and Staffing**

A comprehensive JFO staffing plan will be developed separately for each Presidentially declared disaster as part of the disaster specific Annex. VDEM PA Grant Program staffing will reflect the National Response Plan. The Annex will include a staffing plan of all applicable functions and the number of estimated staff needed to support the JFO operations. *[Note: This complies with 44 CFR § 206.207(b)(ii), Identification of staffing functions in the Public Assistance program, the sources of staff to fill these functions and the management and oversight responsibilities of each, and 44 CFR § 206,207(b)(iii)(J), Procedures for determining staffing and budgeting requirements for proper program management.]*

1. JFO Coordination Group: Key staff includes the Governor's Authorized Representative, the State Coordinating Officer and, the Deputy State Coordinating Officer.
  - a) Governor's Authorized Representative (GAR) – The person designated by the Governor to execute all necessary documents for disaster assistance

programs on behalf of the state and local grant recipients. The GAR is responsible for State compliance with the FEMA-State Agreement. Normally, the GAR will also be designated as the State Coordinating Officer.

- b) State Coordinating Officer (SCO) – The state official appointed by the Governor to coordinate with the FCO to administer federal disaster assistance programs in accordance with the provisions of the Stafford Act.
- c) Deputy State Coordinating Officer (DSCO) – The person (normally, a VDEM employee) designated by the GAR/SCO to assist in program-related matters, supervise the state's part of Joint Field Office (JFO) operations, coordinate state public information activities, determine staffing and budgeting requirements necessary for program management, provide state support for program activities as needed, maintain accountability for federal disaster assistance funds, and request direct federal assistance as needed.

## 2. Program Support Staff (JFO Sections Staff)

Since staffing requirements vary depending on the magnitude, type, and extent of the disaster, the following personnel may be used to assist the GAR/SCO in meeting program administrative requirements. For DR-1655 and DR-1661, VDEM relied on an Operations Chief to manage Branch activities for Human Services, Emergency Services, Infrastructure Support and, Community Recovery and Mitigation, which includes the State Floodplain Management Program (NFIP). When applicable, this structure will be applied in future JFOs. Based upon available resources, some functions may be the responsibility of a state representative other than a VDEM staff person.

- a) State Public Assistance Officer (PAO): The person (VDEM employee) responsible for administering the Public Assistance program.
  - i. Participates in the PA part of the Preliminary Damage Assessment (PDA) process and prepares other state agency personnel and reservists to serve on IDA and PDA-PA teams.
  - ii. Implements program requirements on behalf of the GAR/SCO.
  - iii. Trains and supervises staff.
  - iv. Schedules and conducts applicant briefings.
  - v. Assists FEMA in determining applicant eligibility.
  - vi. Ensures that technical assistance, guidance, and training are provided to applicants.

- vii. Oversees the daily operation of the program.
  - viii. Reviews and processes requests for advances of funds.
  - ix. Reports uninspected damages to the FEMA Regional Director (RD) within 30 days.
  - x. Makes eligibility recommendations to FEMA.
  - xi. Establishes work completion dates.
  - xii. Reviews and recommends time extensions to GAR/SCO.
  - xiii. Disburses funds based on documentation.
  - xiv. Notifies the Federal Coordinating Officer (FCO) of known insurance settlements before award of grants.
  - xv. Submits insurance commitment forms to FEMA.
  - xvi. Serves as liaison with FEMA PA Branch
- b) Deputy Public Assistance Officer (DPAO): A State representative who assists the PAO with responsibilities listed in 2.a) above and acts on behalf of the PAO in his/her absence to fulfill program requirements.
  - c) State Public Assistance Coordinator (PAC): State representative that will provide assistance to applicants in coordination with FEMA. PACs are assigned to work an individual applicant's case from beginning to end, from Kickoff Meeting to Closeout. They will help to document damages, determine eligible repair work, estimate costs, develop work projects, evaluate Special Considerations, evaluate hazard mitigation opportunities, certify the completion of recovery work, and ensure that all eligible costs have been reimbursed.
  - d) Project Officer (PO) – A Federal (FEMA) or State representative who is assigned to help the applicant prepare a detailed PW for a Large Project (\$57,500 or more in FFY 2006).
  - e) Accountant: A person qualified to assist VDEM perform professional accounting work in support of PA Grant Programs.
  - f) Fiscal Representative: A State representative assigned to support the JFO to initiate the processing of advances/payments, monitor fiscal procedures until claims are finalized, and review audits to assure subgrantees comply with

Single Audit Act. If required, temporary personnel will be hired to assist in this task.

- g) Insurance Coordinator – A State representative that provides technical assistance to the GAR and subgrantees on the National Flood Insurance Program (NFIP), reviews PWs for insurance requirements, provides technical assistance to the GAR and subgrantees on insurance commitments, works with the FEMA Flood Insurance Coordinator to resolve PWs held in abeyance because of a local jurisdiction being sanctioned by the NFIP, and performs other duties as required.
- h) Private Nonprofit (PNP) Coordinator – A State representative who assists the PAO in determining the eligibility of Private Nonprofit organizations and facilities.
- i) Resource Coordinators, Project Officers, Program Specialists, Technical Specialists: Qualified personnel from applicable State agencies or State TAC who may assist the State Emergency Management staff in determining legal matters, assigning State staff in the Resource Pool, assessing damages, preparing and reviewing PWs, and conducting interim and final inspections when necessary.
- j) Validation Specialist: A Federal or FEMA-approved official who validates an applicant's Small Projects (less than \$57,500 in FFY 2006) early on through on-site visits and a detailed review of PWs.

### 3. Contracted Staffing and Work Plans

State only resources may be insufficient to fully support all recovery grant management and subgrantee activities. VDEM may supplement normal PA Grant Program staff with contracted personnel. A contract for PA Grant Program support activities has been negotiated with James Lee Witt & Associates and Innovative Emergency Management (JLWA/IEM 127.06.04) and remains in force until July 5, 2007. Disaster specific activities will be defined in a disaster Annex. The following scope of work activities is included in the contract:

- a) PAC duties
- b) Project Officer duties
- c) Coordination of kick-off meetings
- d) Project development
- e) Determination of 406 mitigation opportunities
- f) PW review
- g) Interim and closeout inspections
- h) Appeals
- i) Special projects

Grantee staff will provide oversight of contractor staff and at times will be matched as team members with the contractor staff that together will form the state component of a given function. A PA staffing chart and organization chart will be developed for each event and will clearly display the location and function of the contractor staff. Contracted personnel will submit regular reports to the State PAO that cover:

- a) Significant issues
- b) Action items
- c) Ongoing projects
- d) Accomplishments
- e) Calendar of future activities

Contract staffing procedures are in accordance with *Payment of Contractors for Grant Management Tasks*, policy 9525.11, dated April 22, 2001

4. Staff Training

PA staff will assure pre-declaration training and familiarization activities are conducted. These activities include, as a minimum, ongoing training on all aspects of the PA Grant Program for VDEM PA personnel and for individuals recruited as temporary hires or contractors for the State. Ongoing training and briefings will be conducted periodically for state agencies and local government personnel by VDEM PA staff.

5. Staff Funding

The initial cost for additional administrative support personnel will be incurred by the State. A claim for reimbursement will be submitted to FEMA in accordance with the management and administrative cost provisions of 44 CFR § 206.228.

6. Regular Time/Overtime and Holidays

Regular time, overtime and holidays guidance is determined by the State Department of Human Resource Management. Additional guidance may be developed by VDEM with regard to personnel deployment. The holiday calendar for 2006 and 2007 can be found at <http://www.dhrm.state.va.us/payandholidaycalendar.html>. Staff will adhere to the policies in effect at the time of a Presidential declaration. If there are policy changes during a disaster or policies developed specifically for a disaster, this information will be updated in the disaster Annex.



7. Management of Travel Costs

Guidelines regarding travel costs are determined by the State Travel Regulations, Dated December 1, 2006. These guidelines can be found at <http://www.pen.k12.va.us/VDOE/Finance/Accounting/travelregs113006.pdf>. Staff will adhere to the policies in effect at the time of a Presidential declaration. If there are policy changes during a disaster or policies developed specifically for a disaster, this information will be updated in the disaster Annex.

8. Equipment requirements:

The State Coordinating Officer, Deputy State Coordinating Officer, Public Assistance Officer, and other JFO staff will require computer, scanner and telecommunications resources to best facilitate management of the Public Assistance program. Computer hardware and software will be compatible with current FEMA computer systems. Equipment provided by FEMA to the State will be used for the following purposes:

- a) Telephone communication
- b) Electronic messaging
- c) Preparation of slides and other graphic communication materials for training and briefing purposes
- d) Access to FEMA computer systems
- e) Tracking of projects and applicants
- f) Fiscal grants management
- g) Generating maps and other spatial information
- h) Preparation of form letters, correspondence, and reports
- i) Scanner/copier
- j) Other uses as dictated by the needs of program implementation

**V. DIRECTION, CONTROL, AND ADMINISTRATION**

**A. Post Declaration Activities**

Contact with applicants for the purposes of briefings, kick-off meetings, site visits, or exit briefings will be coordinated through either VDEM staff or its representatives in coordination with other team members. Under no circumstances should a meeting be scheduled without a state representative. Applicants have the right to refuse a meeting if they determine it is not in their best interest that all team members are not present. Both VDEM and FEMA will make a concerted effort to be consistent in the deployment of personnel to specific applicants. This will be done to maximize efficiencies in the PW development process and avoid situations that will cause delays.

- 1) Each separate disaster event will have its own disaster specific Annex. An Annex will include unique declaration information such as, a description of the disaster; IDA or PDA results; staffing plan; training requests; etc.
- 2) Notifying Potential Applicants

Potential applicants will be notified of PA Grant Program opportunities via public notices, local Emergency Management Coordinators, Public Information Officers, or local government officials. Other forms of communication will be internet, telephone, and other relevant media available in the affected area. [*This complies with 44 CFR § 206.207(b)(ii).*]

Request for PA: The applicant must file a Request for PA (RPA, FEMA Form 90-49), with the State within 30 days from the date of the federal declaration designating the area as eligible for PA. Requests submitted after this 30-day period will be reviewed and, if warranted, forwarded to FEMA for consideration. The State may request an extension to the filing deadline. The *Request for Public Assistance (Request)* is an applicant's official notification to FEMA of the intent to apply for public assistance. A copy of this form is shown in Figure 1. The form outlines general information identifying the applicant, including the applicant's name, address, and primary and secondary contacts. The following steps will be taken by the State:

- a) The GAR will submit to the FCO a completed RPA for each applicant which must be submitted within the designated application period.
  - b) RPAs will be completed at the Applicant's Briefing, if possible. A State representative will make arrangements to secure the forms from applicants not represented at the briefings by telephone and mail solicitation.
  - c) RPAs will be reviewed by VDEM staff for completeness and accuracy, prior to transmittal to FEMA for processing. If an applicant's RPA is denied, the State will inform the applicant in writing of the specific reason(s) for the rejection, in addition to providing appeal information.
  - d) RPAs may be faxed, emailed, or filed electronically on <http://www.virginiapa.org>.
- 3) Applicant's Briefing
- When an area has been designated eligible for PA, the State will schedule and conduct an Applicant's Briefing. The number of briefings will be determined by the number of potential applicants and the area involved in the disaster. [*This is in compliance with 44 CFR § 206.207(b)(iii)(A).*]
- 4) A Kickoff Meeting will be scheduled by FEMA, in coordination with the State, following the Applicant's Briefing to provide the applicant with specific

information to meet the requirements of the PA Grant Program. It is during this meeting that the applicant is advised of what records must be kept, cost estimating procedures, and special considerations, project formulation and the project validation process.

5) Case Management

While the FEMA Public Assistance Coordinator is ultimately responsible, the State will have access and recording rights to review and post comments in each case management file to ensure that pertinent information is documented. The State deems the case management file important to establish the history of the project and the applicant's issues, concerns, and questions. It is the State's desire that the Project Officers and the Public Assistance Coordinators complete each PW case management file.

6) Exit briefings

Exit briefings will be conducted with each applicant following the completion of the scoping of each of the applicant's PWs. The State considers this briefing integral to the Public Assistance process. When appropriate, the Federal Public Assistance Coordinator and the State Public Assistance Coordinator will conduct it. If applicable, field team POs will perform this function in their stead. Exit briefings will include both federal and state representatives. An exit briefing form must be completed and signed by the applicant, the Federal Public Assistance Coordinator, and the State Public Assistance Coordinator.

7) NEMIS / EMMIE

State representatives will review each project worksheet in the review queue as quickly as possible. FEMA will notify the State as soon as a project is placed in the queue. If the State has issues with project worksheets then the state reviewer will go to the FEMA reviewer and resolve the issue. If the reviewers cannot resolve the issue, then the Public Assistance Management Team which consists of the Federal and State Public Assistance Officers and Deputy Public Assistance Officers will try to resolve the issue.

8) Applicant Eligibility

In compliance with 44 CFR § 206.207(b)(iii)(C), the State will assist FEMA in screening all potential applicants for eligibility. Eligible applicants under the PA Grant Program are:

- a) State agencies, local governments, and governmental entities.
- b) Indian tribes or authorized tribal organizations.
- c) PNP organizations that have an IRS tax exemption letter or a State PNP certification (i.e. Articles/Certificate of Incorporation). Special utility

districts must provide a copy of the legislation that grants the district taxing authority. Eligible PNPs must own or operate educational, utility, emergency, medical, custodial care, or essential governmental service facilities. Essential governmental service facilities are defined as museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature. Guidelines for eligibility of PNPs can be found in 44 CFR § 206.221.

**Policy Guidance for determining the eligibility of PNP organizations and their facilities is as follows:**

i. *Applicants: Basic Statutory and Regulatory Requirements.*

- 1) The applicant must have a ruling letter from the U.S. Internal Revenue Service or satisfactory evidence from the State that it is a nonprofit organization doing business under Virginia law.
- 2) The applicant must meet requirements as listed in 44 CFR 206.221 through 44 CFR 206.226, including the need to own or operate an eligible facility and to be legally responsible for disaster-related projects.
- 3) The applicant must meet the requirements of the Civil Rights Act of 1964.
- 4) The applicant must not be affiliated with any religion.
- 5) The facility must be open to the general public at no cost or a nominal cost (except for educational, utility, emergency, medical, or custodial care).

ii. *Facilities: Basic Statutory and Regulatory Requirements.*

- 1) The facility, at a minimum, must meet the criteria outlined in 44 CFR 206.221(e).
- 2) Eligible PNP Facilities. The following generally are eligible for assistance, and may be subject to certification.
  - a. educational facilities (as defined in 44 CFR 206.221(e)(1))
  - b. utilities (as defined in 44 CFR 206.221(e)(2))
  - c. irrigation facilities (as defined in CFR 44 206.221(e)(3))
  - d. emergency facilities (as defined in CFR 44 206.221(e)(4))
  - e. medical facilities (as defined in 44 CFR 206.221(e)(5))
  - f. custodial care facilities (as defined in 44 CFR 206.221(e)(6))

- g. facilities that provide essential governmental services and which must be open to the general public (as defined in 44 CFR 206.221(e)(7)).
  - i) museums
  - ii) zoos
  - iii) performing arts facilities
  - iv) community centers
  - v) libraries
  - vi) homeless shelters
  - vii) rehabilitation facilities
  - viii) senior citizen centers
  - ix) shelter workshops, and
  - x) facilities that provide health and safety services of a governmental nature, including, for example:
    - low-income housing (as defined by Federal, State or local law or regulation)
    - alcohol and drug treatment centers
    - residences and other facilities offering programs for battered spouses
    - animal control facilities directly related to public health and safety,
    - facilities offering food programs for the needy, and
    - daycare centers for children, or individuals with special needs (e.g. those with Alzheimer’s disease, autism, muscular dystrophy, etc.)

iii *Requirements for PNPs for Filing Directly to FEMA.* PNP projects for Category A (Debris Removal) and Category B (Emergency Protective Measures) may be filed directly for FEMA assistance, through the State, without applying for a Small Business Administration (SBA) loan. This is true for both critical and non-critical work.

PNP projects potentially eligible for Categories C-G (Permanent Work) that are critical may also be filed directly for FEMA assistance without applying for a SBA loan. Critical services as defined in CFR 44 206.226(c)(1) include power, water, sewer and wastewater, communications, emergency medical care, fire department services, emergency rescue, and nursing homes. For all other projects PNP’s must apply first to the SBA.

iv *Requirements for Application to the SBA:* PNP facilities potentially eligible for permanent work assistance (Categories C – G) that provide “non-critical services” must first apply for a disaster loan from the SBA before applying to FEMA for disaster assistance. However, for emergency work “non-critical” PNPs may apply directly to FEMA (see Paragraph 3 above). “Non-critical services” include educational facilities

as well as those facilities defined in 44 CFR 206.221(e)(7), The SBA loan application process for “non-critical” PNP facilities will result in one of three outcomes:

- 1) If the PNP is declined for an SBA loan, the PNP may then apply to FEMA through the State for public assistance.
  - 2) If the SBA loan fully covers eligible damages from the disaster event, then no assistance from FEMA is available.
  - 3) If the maximum SBA loan for which the facility is eligible does not fully cover eligible damages, the PNP may then apply to FEMA for the excess eligible damages. Eligible PNPs are also required to apply to SBA for any 406 Hazard Mitigation costs.
- v) *Ineligible PNP Facilities:* Some PNP facilities that might have been assisted prior to 1993 are no longer eligible under the governing statutes and regulations. Examples include:
- 1) recreation facilities
  - 2) job counseling and training centers
  - 3) facilities for advocacy groups not directly providing health services
  - 4) public housing (other than low-income)
  - 5) cemeteries
  - 6) parking garages
  - 7) conference facilities
  - 8) facilities maintained by property owners’ associations such as roads and recreational facilities (except those facilities that could be classified as utilities or emergency facilities)
  - 9) daycare centers for purposes other than those described in Paragraph 2c under this section.

#### **State Recognized Indian Tribes – and/or State authorized tribal organizations**

State-recognized Indian Tribes and/or authorized organizations within the Commonwealth of Virginia are eligible for public assistance from FEMA. The state will fully fund the percentage of the project not funded by FEMA. All other provisions and conditions of the PA program apply to State-recognized Indian Tribes and/or authorized organizations in the same manner as they do to local governments and their political subdivisions.

- 7) PA Grant Application Package
  - a) Grant Approval – The State will submit to FEMA an “Application for Federal Assistance” (SF 424) and an “Assurances for Construction

Programs” (SF 424D), to receive Federal funding. Approved PWs will be the basis for issuing subgrants to eligible applicants in accordance with the cost sharing provisions established in the FEMA-State Agreement.

- b) Project Application – After PWs are obligated to the State by FEMA, the State is responsible for the final processing and distribution of the project application and for initiating payments. The State will forward the relevant project application forms to the applicant for signature. All forms must be returned to the State prior to award of the grant. Listed below are the forms that will be included in the project application. These forms are also available online at <http://www.vdem.state.va.us/recover/pubassist/index.cfm>.
  - i. State cover letter.
  - ii. State/Subgrantee Project Application Agreement.
  - iii. Project Application Summary.
  - iv. Applicant checklist.
  - v. Obligation Report.
  - vi. Project Worksheets.
  - vii. Project Completion and Certification Report.
- c) Grant Award – After the applicant completes the project application and the application is approved by the State, the applicant will receive a grant award package that includes the following:
  - i. State Cover letter.
  - ii. Project Worksheets (FEMA Form 90-91)
  - iii. Applicant’s Benefits Calculation Worksheet (FEMA Form 90-128)
  - iv. Request for Funds
  - v. Project Quarterly Report
  - vi. Quarterly Financial Status Report for Large Projects (FEMA Form 20-10) to be used (by the Commonwealth)
  - vii. Statement of Documentation in Support of Amount Claimed
  - viii. Certificate of Compliance
  - ix. Project Completion and Certification Report (FEMA Form P.4)
  - x. A copy of the Administrative Plan for PA
  - xi. Copies of resource materials not previously provided
  - xii. Project Final Narrative

#### 8) Project Worksheet Preparation

The State will participate at all levels in the PA process. PWs should not be inserted into NEMIS unless the applicant, the State representative and FEMA have agreed to the draft PW and all three parties have signed the form. PW’s will be prepared by using the applicant’s supported estimates, actual costs, state-wide average rates, or the FEMA cost codes. If the applicant has established equipment rates they will be used if they are lower than the FEMA cost code.

However, if an applicant certifies that the FEMA cost code does not reflect their actual costs, the applicant must show certification of the rates and acquire prior FEMA approval to assure the costs are reasonable. In the absence of local cost documentation, FEMA equipment rates will be used as a basis for applicant-owned equipment costs for each project.

A State representative will be involved in every step of the project worksheet preparation process. State representation will be drawn from VDEM staff, other state agency staff, VDEM reservists, or through contractual services. The levels of State involvement include:

- a) Conducting PDA and damage surveys to serve as a basis for writing PWs and obligating funds to subgrantees.
  - b) Assisting FEMA and/or the applicant in developing scopes of work and cost estimates.
  - c) Notifying FEMA of any special considerations and/or technical assistance requirements needed to facilitate project approval.
  - d) Providing State support as needed (personnel to assist with highly technical projects and/or to resolve disputes).
  - e) Assisting the applicant and FEMA in identifying hazard mitigation opportunities and requirements as provided by Section 406 of the Stafford Act. (Such mitigation measures are generally a direct part of the reconstructed work on a facility and will protect or benefit the repaired facility. They are different from mitigation measures that could be considered for eligibility under the Hazard Mitigation Grant Program of Section 404 of the Stafford Act. In that program, measures are proposed that may involve facilities other than those damaged by the disaster and can include new facilities or even non-structural measures such as developing floodplain management regulations.).
  - f) Submitting applications and making recommendations to FEMA on project approval.
  - g) Participating in the small project validation process.
  - h) Requesting re-inspections or time extensions for additional significant damage not previously identified within 60 days of an initial subgrantee inspection. *[Note: this complies with 44 CFR § 206.202(d)(1)(ii).]*
- 9) The Applicant/Subgrantee will be:
- a) Responsible for identifying all eligible work and submitting all costs for disaster related damages.



- b) Encouraged to prepare PWs for Small Projects estimated to cost less than the Large Project threshold (\$57,500 in FFY 2006).
- c) Responsible for identifying projects that are anticipated to cost more than the Large Project threshold (\$57,500 in FFY 2006) amount in repair costs.
- d) Required to address pertinent environmental and historic preservation requirements, insurance coverage, floodplain management issues and hazard mitigation opportunities.
- e) Required to apply for and obtain all necessary environmental permits.
- f) Responsible for complying with all local, state, and federal insurance requirements.
- g) Responsible for complying with all federal grant administration requirements such as the OMB Circulars.

If an applicant has justified extenuating circumstances that prevent the submission of all PWs for small projects within the first 30 days, FEMA may extend the deadline. These extensions are made on a case by case basis and may not extend beyond 60 days from the Kickoff Meeting.

The applicant will report any additional damages that were not previously identified to the SPAO within 60 days of the Kickoff Meeting. FEMA may grant the applicant an extension of time to report additional damages on a case by case basis if FEMA determines it is warranted. The SPAO will request any such extension on behalf of the applicant and include justification for the requested extension.

The State will notify FEMA of any Special Considerations and/or technical assistance requirements needed to facilitate project approval.

#### 10) Project Funding and Requirements

- a) All projects and eligible costs will comply with the local, state, and federal policies in effect at the time the disaster is Presidentially declared. Compliance with policy changes occurring after the disaster is Presidentially declared, project worksheets are approved, or work has been completed, will be evaluated on a case-by-case basis. Evaluation of policy changes will consider the reasonableness of the change.
- b) Once designated counties have been approved for the PA Grant Program, VDEM staff will schedule and conduct an Applicant's Briefing. The quantity of meetings will be determined by the number of potential applicants. The State conducts the briefings to ensure that potential

applicants are aware of the requirements imposed upon them by Federal and State statutes. *[This complies with 44 CFR § 13.22 and § 13.37.]*

- c) Repair work will not begin on projects that result in a change from the pre-disaster configuration (that is, different location, footprint, function, or size) without Federal and State pre-authorization for proposed changes in the scope of work. If the applicant expects to have a cost overrun, a written request must be submitted to VDEM before expenditures are made. Identify why there will be an overrun and include an itemized list of expenses. VDEM will notify the applicant in writing if these expenses are eligible items. Refer to Section G – Records and Reports for additional information. **Failure to obtain preauthorization for changes in funding or the scope of work may result in a loss of funding for the entire project.**
- d) Small Projects – Approved projects estimated to be less than the Large Project threshold amount established by FEMA (\$57,500 in FFY 2006) are considered Small Projects. FEMA will adjust this amount annually to reflect changes in the Consumer Price Index for all Urban Consumers and publish it in the Federal Register before October 1. The determination of the threshold that will be used to classify a project is based on the declaration date of the disaster. (Funding for Small Projects will be based on the PW estimate.) The State will disburse funds to the applicant after FEMA approves and obligates the PW and the applicant completes the grant application between the subgrantee (applicant) and the grantee (State). Standards for financial management systems are found specifically in 44 CFR § 13.20(a) and (b). The State may advance funds for Small Project estimates.
- e) Large Projects – Approved projects estimated to be equal to or greater than the Large Project threshold amounts (\$57,500 in FFY 2006) are considered Large Projects. FEMA will adjust this amount annually as indicated in the preceding section. The determination of the threshold that will be used to classify a project is based on the declaration date of the disaster. Large Project funding is based on documented actual costs. Because of the complexity and nature of most Large Projects however, work typically is not complete at the time of FEMA approval. Therefore, Large Projects initially are approved based on estimated costs. Funds generally are made available to the applicant on a progressive payment basis as work is completed. When all work associated with the project is complete, the State performs a reconciliation of actual costs and transmits the information to FEMA for final funding adjustments. Approved final funding will be obligated to the State following FEMA's approval of the PW. The State will disburse funds to the applicant after FEMA approves and obligates the PWs and the applicant completes the grant application between the subgrantee (applicant) and the grantee (State). The applicant will then either request an advance or complete the project and submit all of the required back-up documentation. The State may advance 50% (of the Federal share) of the funds with the

remainder being released in conjunction with supplemental quarterly progress reports for Large Projects.

- f) Advance of Funds – An applicant may request an advance of funds on an approved Large PW by completing the “Advance of Funds Request” form. The applicant must have a basis for the requested funds, such as anticipated contractor bills, or force account payrolls to meet. The total advance for any one PW will not exceed 50% of the Federal share. An advance request will be processed for payment once it has been approved by the State. The applicant will be required to refund, through the State to FEMA, any part of an advance that is not supported by cost documents and/or expended for the approved scope of the PW within 30 days of receiving the deobligation notice from the State. *[Note: This complies with 44 CFR § 206.207(b) (iii) (J), Procedures for processing requests for advances of funds and reimbursements, and 44 CFR § 13.21, Payment.]*
- g) Immediate Needs Funding (INF) – This is a partial advance on emergency work items identified during the PDA. When a PDA is conducted, only those eligible applicants who were surveyed are eligible to receive INF. If a PDA has not taken place, the State may identify eligible applicants to receive INF funding. The State may request funding for these applicants on their behalf. INF is designed to assist the applicant in dealing with its urgent needs that will require payment within the first 60 days after the declaration. It is not intended for those items that involve Special Considerations or items of work that will require longer than 60 days to complete. These items will be funded in the normal manner as individual projects. INF is calculated using the following formula:  
  
$$\text{Emergency Work Amount} \times 50\% \times 75\% \text{ (appropriate Federal cost share)} = \text{INF}$$
- h) Reviewing Insurance Requirements: The State insurance representative will work with the FEMA insurance specialist to ensure compliance with all Federal Regulations (see description of insurance coordinator).
- i) Insurance Requirements – 44 CFR § 206 Subpart I establishes requirements which apply to disaster assistance provided by FEMA prior to approval of a FEMA grant for the repair, restoration, or replacement of an insurable facility or its contents damaged by a major disaster.
- j) Eligible costs shall be reduced by the amount of any insurance recovery actually received or anticipated, relating to eligible costs. FEMA will base its determination of eligible costs on whether the insurance settlement is reasonable and proper.
- k) The full coverage available under the standard flood insurance policy from the National Flood Insurance Program (NFIP) will be subtracted from

otherwise eligible costs for an insurable facility and its contents within the special flood hazard area.

- l) If eligible damages are greater than \$5,000, an applicant must obtain and maintain insurance to cover the facility for the hazard that caused the loss in the amount of the eligible damage to the facility.
- m) Assistance will not be provided under Hazard Mitigation Section 406 of the Stafford Act for any facility for which assistance was provided as a result of a previous major disaster unless all insurance required by FEMA as a condition of previous assistance has been obtained and maintained.

Recouping of Federal Funds – If an approved PW is completely or partially deobligated, the applicant will be notified in a reasonable time frame. Reimbursement by the applicant to the State will be requested after a supplemental PW version (deobligating the approved funding) is processed. If the discovery of the overpayment occurs when the disaster is still open and the funds are already drawn down, VDEM would reduce the next drawdown by the amount overpaid to the applicant. If the disaster is closed and VDEM discovers an overpayment, the funds will be returned to FEMA via a warrant within 30 days of the discovery.

## **B. Project Performance**

Applicants can use the following funding options if they feel it will benefit their situation. They are designed to give the applicant a greater degree of flexibility. Both options can be used under large or small project grants, and are voluntary. *[Note: This complies with 44 CFR § 206.207(b)(iii)(F), Procedures for processing appeal requests and decisions, requests for time extensions, requests for approval of overrun.]*

- 1. Improved Projects – If an applicant desires to make improvements, but still restore the pre-disaster function of a damaged facility, the State is authorized to make a determination on an applicant's request to conduct an Improved Project. However, such a request must be coordinated with FEMA to ensure compliance with national historic preservation and environmental laws. This request must contain the following:
  - a) Reason for requesting an Improved Project.
  - b) Description of the proposed work.
  - c) A schedule of when the work will be completed.
  - d) Cost estimates.

- e) Information adequate to establish compliance with special requirements including, but not limited to, floodplain management, environmental assessment, hazard mitigation, protection of wetlands, endangered species, and insurance.
- f) Federal funding for such improved projects will be limited to the Federal share of the approved estimate of eligible costs.

An Improved Project may be requested for both Small and Large Projects, but must be approved by the grantee prior to construction. Any project that results in a change from the pre-disaster configuration (that is, different location, footprint, function or size) must be approved by the State and coordinated with FEMA prior to construction to ensure completion of the appropriate environmental and/or historic preservation review. Grantee approval must be held pending such review. Federal funding for improved projects is limited to the Federal share of the estimated costs and to the time limits that would be associated with repairing the damaged facility to its pre-disaster design. Justified time extensions may be approved. The balance of the funds is a non-Federal responsibility. Funds to construct the improved project can be combined with a grant from another Federal agency; however, Federal grants cannot be used to meet the grantee or local cost-share requirement. If denied, the applicant will be notified, in writing, as to why the request was denied and advised of their right to appeal the determination.

2. Alternate Projects – If an applicant determines that the public welfare would not be best served by restoring a damaged public facility, or the function of that facility, the applicant can submit a request to the State for an Alternate Project. The State will review the request for eligibility, and will ensure that the request contains the following information before forwarding it to FEMA with the appropriate recommendation:
  - a) Reason for requesting an Alternate Project.
  - b) Description of the proposed work.
  - c) Schedule of when the work will be completed.
  - d) Cost estimate.
  - e) Necessary assurances to document compliance with special requirements, including, but not limited to, floodplain management, environmental assessment, historic preservation, hazard mitigation, protection of wetlands, endangered species, and insurance.

The Alternate Project option may be proposed for both Small and Large Projects, but only for permanent restoration projects located within the declared

disaster area. All requests for Alternate Projects must be made within 12 months of the Kickoff Meeting and approved by FEMA prior to construction.

Alternate Projects are eligible for 75% of the approved Federal share of the estimated eligible costs associated with repairing the damaged facility to its pre-disaster design, or the actual costs of completing the Alternate Project, whichever is less. The share of the costs may be increased to 90% for publicly owned facilities where unstable soils are present at the site of the damaged facility. This exception does not apply to PNP facilities. The proposed Alternate Project for an insurable structure may not be located in the regulatory floodway as defined in applicable local ordinances, and will have to be insured if located in the 100-year floodplain. Funding may not be used for operating costs or to meet the State or local share requirement on other PA projects that utilize other Federal grants. Section 406 Hazard Mitigation funds cannot be applied to an alternate project. An environmental assessment will be performed for all Alternate Projects. *[Note: This complies with 44 CFR § 206.203(d)(2)(v).]*

3. Time Limitations – The State will ensure that approved work is completed within the following time frames from the date a major disaster or emergency is declared:
  - a) Emergency Work (Category A – B) = 6 months
  - b) Permanent Work (Category C – G) = 18 months
4. Time Extensions – An applicant may request a time extension of any approved PW by submitting a written request to the State. Such a request must be submitted in writing **prior** to the completion date currently in effect. Extension requests should be submitted 60-days prior to the project completion date. The State may grant a time extension if the reason for delay is based on extenuating circumstances, or unusual project requirements beyond the applicant's control, as long as the additional time requested does not exceed the following time frames:
  - a) Emergency Work = an additional 6 months (for a total of 12 months)
  - b) Permanent Work = an additional 30 months (for a total of 48 months)

The State will notify FEMA of all time extensions that have been approved. Requests for time extensions beyond the State's authority will be forwarded to FEMA, in writing, for determination with the State's recommendation in accordance with the requirements of 44 CFR § 206.204(d). Work performed after the last approved completion deadline is subject to having funding reduced or withdrawn.

5. Cost Overruns – Small Project: The State will verify all significant cost overrun appeals submitted by the applicant by conducting a review of all approved Small Project worksheets within the Applicant's Project Application. The State will base its recommendation for additional funding on the information obtained during the review and will forward a report to FEMA for the final determination. The cost share is determined from final actual eligible project costs (whether an overrun or an under run) and will be adjusted at the time actual eligible costs for all Small Projects are determined for the requestor (normally the subgrantee, but may also be the grantee).

Large Project: Per 44 CFR § 206.204(2), the subgrantee must evaluate each cost overrun and, when justified, submit a request for additional funding through the State to the RD for a final determination. All requests for the RD's approval will contain sufficient documentation to support the eligibility for all claimed work and costs. The State shall include a written recommendation when forwarding the request. The RD will notify the State in writing of the final determination.

6. Project Completion
  - a) Upon completion of a Large Project, the applicant will be required to submit a Project Cost Summary to the State that lists all labor, equipment, materials, and contract costs associated with making needed repairs. The State will conduct a review of the project's documentation to verify the actual project cost. If a Large Project was 100 % complete at the time the PW was prepared, the eligible cost was based on actual cost information and the applicant is not claiming additional funding, no further review by the State may be necessary.
  - b) Upon completion of all approved work, the applicant will be required to submit the Project Completion and Certification Report to the State certifying that all work has been completed in accordance with funding approvals and that all claims have been paid in full.
  - c) If an approved project is not completed, the applicant will be required to return the federal and state funding that was provided for that project. If an approved PW is completely or partially deobligated, the applicant will be notified as soon as possible. Reimbursement to the State will be requested once a supplemental PW deobligating the approved funding is processed.
7. Grantee - Upon completion of both Small and Large Projects, the State will send a written "Certification of Project Completion" to the FEMA Regional Director.
  - a) Small Project certifications require that:
    - i. All projects were completed in accordance with FEMA approvals and,

- ii. The State and/or applicant's contribution to the non-Federal share, as specified in the FEMA-State Agreement, has been executed. [*Note: The Small Project certification is not required to specify the amount spent on projects, by subgrantees.*]
- b) Large Project certifications require that:
  - i. All projects were completed in accordance with FEMA approvals.
  - ii. Reported costs were incurred in the performance of eligible work.
  - iii. The approved project was completed.
  - iv. Completed work was in compliance with the provisions of the FEMA-State Agreement.
  - v. Payments for the project were made in accordance with 44 CFR § 13.21.
  - vi. An accounting of actual eligible costs for each Large Project is required at project completion. An accounting of eligible cost means the total amount of actual eligible cost. If actual cost exceeds the approved project grant, additional information supporting and explaining the additional claimed costs is required. See Cost Overruns above in Section 3.
- 8. Disputes/Conflict Resolution - In order to expedite funding and minimize applicant appeals, the following conflict resolution process should be followed:
  - a) If an applicant liaison has been assigned, the applicant should notify this individual of the unresolved issue.
  - b) The applicant liaison should work to resolve the issue with the PAC. If the issue remains unresolved, the applicant liaison should notify the SPAO.
  - c) The SPAO should work to resolve the issue with the PAO.
  - d) Only after all these steps have been taken will the applicant be referred to the appeal process.
- 9. Final Inspection - A Final Inspection will be conducted once the applicant certifies to the State that all funds were expended and that all work as described in the project Scope of Work is complete. Based on the type of work involved, the State reviewer may be authorized to conduct the final inspection at the time the project is being reviewed. For those projects of a technical nature, a qualified member of the applicable State agency to which the project pertains will conduct a final inspection. The final inspection should be completed as soon as practical following the final report from the applicant.



10. Appeals - Upon receipt of an appeal from the applicant, the State will review the material submitted, make such additional investigations as necessary, and will forward the appeal with a written recommendation to FEMA within 60 days. The applicant will submit an appeal within the following timeframes:
  - a) Any FEMA determination - 60 days from the date of written notice of the determination being appealed.
  - b) Any State determination on time extensions - 60 days from the date of written notice of the determination being appealed.
  - c) Cost Overrun - 60 days from the date the last project was completed (Small Projects only).
  - d) Second/Final Appeal - 60 days from the date of written notice of the determination made on the first appeal.

### **C. Records and Reports**

1. Progress Reports – The State will submit a Quarterly Progress Report to FEMA, which will contain the status of all Large Projects which have not received final payment. The first quarterly report will be submitted three months from the date the JFO opened, or on a quarterly schedule mutually agreed upon between FEMA and the State. The SPAO maintains a database that reflects the current status of all projects to include those that have been closed out. This information is made available to FEMA Region III quarterly or as requested thereby satisfying the progress report requirement. [*This is in compliance with 44 CFR § 206.204(f) and 44 CFR § 13.40, § 206.204(f), § 13.20(b)(6), § 13.41, § 13.42 and § 13.50.*]
  - a) Documentation
    - i. Payments are reimbursed for approved disaster-related expenditures. Each applicant must maintain full documentation in order to receive maximum payment. The GAR/SCO will require a review of documentation before final payments are made.
    - ii. Documentation of claimed costs is required for each damage survey report. This documentation consists of copies of:
      - 1) Summaries of documentation.
      - 2) Daily activity reports for labor, equipment and materials.
      - 3) Time sheets showing pay period, employee name, job classification, hours worked each day by Project Worksheet, total hours worked for the pay period, rate of pay (regular and overtime), total earnings, and paycheck number.

- 4) Canceled checks (for materials purchased and for contract work).
- 5) Delivery tickets for materials.
- 6) Contract awarded.
- 7) Invoices or other billing documents.
- 8) Bid advertisements.
- 9) List of bidders and amounts (for each project).
- 10) Statement of why the low bid was not accepted (if appropriate).
- 11) Copies of insurance policies and any insurance payments received.
- 12) Monitoring of load tickets for debris removal/disposal.

b) Progress Reports

- i. Each applicant is required to provide a quarterly report to the GAR/SCO. The report indicates the status of all approved projects and should provide the following information for each project.
  1. Percent complete.
  2. Financial status (monies approved, advances, changes in project costs).
  3. Projected date of submission of claim.
  4. Date of latest interim inspection.
  5. Anticipated delays/problems.
- ii. The first progress report due date will be as specified by the GAR/SCO.

c) Interim and Final Inspections

- i. The GAR/SCO may request FEMA assistance for interim and final inspections.
- ii. These inspections will:
  1. Resolve questions regarding work eligibility, cost overruns, time limits, and advances of funds.
  2. Obtain information to support recommendations for final payment amounts.

- a) Initial inspections may be required by the GAR/SCO when the first progress report is submitted.
  - b) Subsequent inspections will be scheduled quarterly by applicant. The quarterly report will be used to identify completed projects for final inspection.
  - c) All large projects require a final inspection.
  - d) Random inspections of small projects will be made.
  - e) Applicants must submit documentation on all work for which reimbursement is requested before final inspections will be scheduled.
  - f) The GAR/SCO reviews interim and final inspection reports and appeals determinations, if appropriate
2. Financial Status Report (FEMA 20-10) – Quarterly and final financial reports will be submitted to FEMA for State administered disaster assistance programs authorized by the Stafford Act. Financial Status Report (SF 269/SF 269A or FEMA 20-10). The State shall submit the financial reports to the FEMA regional office 30 days after the end of the first Federal quarter following the initial grant award. The State will submit financial reports to FEMA at least quarterly. Thereafter, reports are due January 30, April 30, July 30 and October 30. Financial status reports must permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes. The reports shall include a breakout of expenditures considered to be statutory administrative costs and/or State management administrative costs under 44CFR, 206.228. *[This is in compliance with 44 CFR § 13.41.]*
3. Project Closeout – The State will close each ‘Applicant’ once all of its Small and Large Projects are individually closed out. Small Projects will be closed out in accordance with 44 CFR § 206.205(a) after the State has determined that all work has been completed, all necessary documents have been received, and any appeal for Small Project overruns has been reconciled. Large Projects will be closed out individually in accordance with 44 CFR § 206.205(b), after the State has determined that all work has been completed, all necessary documents have been received, the costs for each individual Large Project have been reconciled, all project payments have been made, and no further action is pending or anticipated (including litigation or lawsuits). The State will notify FEMA when all eligible funds have been paid to an applicant and request Applicant Closeout. When all applicants have been closed-out and all eligible grantee funding has been reconciled (including statutory administrative costs

and/or state management administrative costs) the State will sign and return a P.4 to the RD, which will notify FEMA of any additional Federal funds available for return in SmartLink. Once funds are processed, then the State will request that FEMA close out the PA Grant Program for the disaster.

4. Record Retention – The applicant will be required to keep complete records of all work (i.e., receipts, checks, job orders, contracts, insurance coverage and insurance payments, equipment usage documentation, and payroll information) used to support funding under the PA for three years from the date the last project was completed or from the date final payment was received, whichever is later. [*This is in compliance with 44 CFR § 13.20(b)(6) and § 13.42.*]

#### **D. Audits**

Audit requirements will be in accordance with 44 CFR § Part 14 or OMB Circular A-110 as appropriate.

1. A review of all Large Projects and Small Projects with significant cost overruns will be conducted by the State once those projects are completed. Applicants expending \$300,000 or more in total Federal financial assistance in a fiscal year will be required to have an audit made in accordance with the Single Audit Act Amendments of 1996, OMB Circular A-133.
2. Applicants will be required to provide their assigned State agency a copy of the Single Audit.
3. Ensure that appropriate corrective action is taken within six (6) months after receipt of the single audit report in instances of non-compliance.

#### **E. Financial Management**

In accordance with the Commonwealth of Virginia Emergency Operations Plan, Vol. 2, 2004, the VDEM Division of Finance handles all disaster funds. The Emergency Operations Plan can be found at <http://www.vaemergency.com/library/plans/index.cfm>. All financial transactions by the PA Grant Program will be in accordance with the Commonwealth of Virginia Administrative Code, Commonwealth Accounting Policies and Procedures (CAPP manual).

Eligible PA costs are shared on a Federal and non-Federal basis. The Federal cost-share ratio is generally at least 75%, but the President can adjust the ratio upwards for catastrophic disasters or for multiple/concurrent events. The State's share of eligible costs will be defined in the FEMA-state agreement for each emergency or disaster declared by the President. Localities are not eligible for costs unless they meet the FEMA threshold requirement of \$3.05 per capita in damages as identified in the IDA/PDA's Local governments and/or their political subdivisions will be required to cost-share with the State for the State share. The local government share is calculated

based on stress factors developed annually reflecting the general economic activity of the locality and inflation factors.

## **VI. PLAN DEVELOPMENT AND MAINTENANCE**

This Public Assistance Administration Plan will be reviewed and updated annually. Amendments will be made to meet current policy guidelines, as required. Revisions will be forwarded to the Regional Director of the Federal Emergency Management Agency.

## **ADDENDUM**

### **FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM**

**NOTE:** This is not a stand-alone plan. You must be familiar with Public Assistance Program Administrative Plan.

#### **I. PURPOSE**

Subsequent to a disaster declaration by the President, FEMA provides assistance to state agencies, local governments and certain private nonprofit organizations for fire management. A grant is made to the state that then authorizes subgrants to eligible applicants. Funding is provided on a cost-share basis, with percentages established in the FEMA-State Agreement, but requiring a federal share of no less than 75 percent. The purpose of this appendix is to identify the roles and responsibilities of the state in administering the Fire Suppression Assistance Programs and to outline staffing requirements and the policies and procedures to be used.

#### **II. DEFINITIONS** (in addition to those described on pages 2 – 8)

- **Declared fire:** An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, which the Associate Director has approved in response to a State's request for a fire management assistance declaration.
- **Demobilization:** The process and procedures for deactivating, disassembling, and transporting back to their point of origin all resources that had been provided to respond to and support a declared fire.
- **Fire complex:** Two or more individual fires located in the same general area, which are assigned to a single Incident Commander.
- **Incident commander:** The ranking official responsible for overseeing the management of fire operations, planning, logistics, and finances of the field response.
- **Incident period:** The time interval during which the declared fire occurs. The Regional Director, in consultation with the Governor's Authorized Representative and the Principal Advisor, will establish the incident period. Generally, costs must be incurred during the incident period to be considered eligible.
- **Mobilization:** The process and procedures used for activating, assembling, and transporting all resources that the Grantee requested to respond to support a declared fire.
- **Pre-positioning:** Moving existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity likely to constitute the threat of a major disaster.

- **Principal advisor:** An individual appointed by the Forest Service, United States Department of Agriculture, or Bureau of Land Management, Department of the Interior, who is responsible for providing FEMA with a technical assessment of the fire or fire complex for which a State is requesting a fire management assistance declaration. The Principal Advisor also frequently participates with FEMA on other wildland fire initiatives.
- **Threat of a major disaster:** The potential impact of the fire or fire complex is of a severity and magnitude that would result in a presidential major disaster declaration for the Public Assistance Program, the Individual Assistance Program, or both.
- **Uncontrolled fire:** Any fire not safely confined to predetermined control lines as established by firefighting resources.

### III. ORGANIZATION

The Governor is the Director of Emergency Management for the Commonwealth of Virginia as established by statute. The Virginia Department of Emergency Management (VDEM) is similarly established as the state agency responsible for the management and administration of disaster relief for Virginia. Its director, the State Coordinator of Emergency Management, is appointed by the Governor. During a Presidentially-declared Major Disaster, the Governor's Authorized Representative (GAR), normally the State Coordinator, will be designated by the Governor as the official responsible for administration of the Fire Management Assistance Grant Program. The GAR, through the Public Assistance Officer, will be responsible for providing technical guidance and assistance to subgrantees during the recovery period and throughout the duration of each disaster contract. The guidance, assistance, and program management provided shall be sufficient to ensure grantee and subgrantee compliance with the FEMA-State Agreement and grant conditions pertaining to a declared disaster. The Public Assistance Officer (PAO) is responsible directly to the GAR for implementation of the program.

As with other federal disaster assistance programs, it is Virginia's policy to provide a state official to work in partnership with counterpart federal officials in most programmatic and sub-programmatic areas, especially where local activities are involved. The state's Public Assistance organization will, therefore, mirror the federal one. Adjustments will be made by the GAR as needed, for each disaster.

#### A. Agencies and Task Assignments

1. Primary Agency – Virginia Department of Emergency Management (VDEM) Designate a Public Assistance Officer to administer and supervise the program. The PAO will be responsible for the following:
  - a) Notify potential applicants of the availability of the Program.
  - b) Assist FEMA in determining applicant eligibility.
  - c) Submit and review subgrant applications.
  - d) Process payments for subgrantees.

- e) Submit, review and accept subgrant Performance and Financial Reports.
- f) Monitor close outs and audit functions of subgrants
- g) Recover funds for disallowed costs.
- h) Process appeals and time extension requests.
- i) Provide technical assistance to applicants.

## 2. Support Agencies:

The following state agencies, when requested by VDEM, will designate personnel to be prepared to assist the Governor's Authorized Representative/State Coordinating Officer as needed to administer the Fire Management Program. The GAR/SCO may also use reservists, temporary hires, and/or contractors to perform these duties.

- a) Department of Forestry
- b) Department of Transportation
- c) Department of Conservation and Recreation
- d) Department of Health
- e) Department of Agriculture and Consumer Services
- f) Department of Environmental Quality
- g) Department of Aviation
- h) Auditor of Public Accounts

## **B. Key Staff Positions**

1. Governor's Authorized Representative (GAR) – The person designated by the Governor to execute all necessary documents for disaster assistance programs on behalf of the state and local grant recipients. The GAR is responsible for State compliance with the FEMA-State Agreement. Normally, the GAR will also be designated as the State Coordinating Officer.
2. State Coordinating Officer (SCO) – The person designated by the Governor to coordinate state and local disaster assistance efforts with that of the Federal Government.
3. Deputy State Coordinating Officer (DSCO) – The person (normally, a VDEM employee) designated by the GAR/SCO to assist in program-related matters, supervise the state's part of Joint Field Office (JFO) operations, coordinate state public information activities, determine staffing and budgeting requirements necessary for program management, provide state support for program activities as needed, maintain accountability for federal disaster assistance funds, and request direct federal assistance as needed.
4. State Public Assistance Officer (PAO) – The person (VDEM employee) responsible for administering the Fire Management Assistance Grant Program.



### **C. Declaration Process**

Declarations operate on a 24-hour real-time basis and are frequently conducted over the telephone and with written follow-up. The declaration process is as follows:

1. Virginia Department of Forestry (VDF) notifies VDEM of fire situation and requests aid under the Grant Program;
2. VDEM assembles data from VDF and develops report for FEMA and the Governor (VDEM makes initial telephone call to FEMA);
3. Governor submits State request for a fire management assistance declaration to the Regional Director while the fire is burning uncontrolled;
4. Regional Director gathers State's information, calls upon the Principal Advisor for an assessment, and develops a Regional summary and recommendation to be forwarded to the Assistant Director, or a designee;
5. Assistant Director, or designee, approves or denies State's request based on the following:
  - a) The conditions that existed at the time of State's request;
  - b) Whether or not the fire or fire complex threatens such destruction as would constitute a major disaster.
6. The final rule provides four criteria for the Assistant Director, or designee, to evaluate the threat posed by a fire or fire complex:
  - a) Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;
  - b) Availability of State and local firefighting resources;
  - c) High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System;
  - d) Potential major economic impact.
7. After rendering a determination, the Assistant Director, or designee, notifies the Regional Director, who in turn notifies the State.

### **D. Appeal Process**

Upon receipt of a denial of the Fire Management Assistance declaration, the Governor or GAR may appeal the decision in writing within thirty (30) days after the date of the letter denying the request. The State should submit this one-time request to the Associate

Director through the Regional Director. The Associate Director will notify the State of his/her determination within 90 days of receipt of the appeal. The Associate Director may also grant a 30-day extension to the State to submit their request. Appeal of other fire management issues remain the same as the process in the Public Assistance Plan.

**E. Applicant Eligibility**

1. State and Local Governments **are** eligible.
2. Indian Tribal Governments **are** eligible.
3. Private Non-Profit Organizations such as local Volunteer Fire Departments **are not** eligible subgrantees. These entities may be reimbursed through a contract or compact with an eligible applicant for eligible costs associated with the fire or fire complex.
4. The activities performed must be the legal responsibility of the applying entity, required as the result of the declared fire, and located within the designated area.

**F. Eligible Cost(s)**

All eligible work and related costs must be associated with the incident period of a declared fire and include:

1. Personal comfort and safety items normally provided by the State under field conditions for firefighter health and safety.
2. Firefighting supplies, tools, materials, expended or lost, to the extent not covered by reasonable insurance, will be replaced with comparable items.
3. Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
4. Use of U.S. Government-owned equipment based on reasonable costs as billed by the Federal agency and paid by the State. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)
5. Repair of equipment damaged in firefighting activities to the extent not covered by reasonable insurance. We will use the lowest applicable equipment rates, or other rates that we determine, to calculate the eligible cost of repairs.

6. Replacement of equipment lost or destroyed in firefighting activities, to the extent not covered by reasonable insurance, will be replaced with comparable equipment.
7. Overtime for permanent or reassigned State and local employees.
8. Regular time and overtime for temporary and contract employees hired to perform fire-related activities.
9. Travel and per diem of employees who are providing services directly associated with eligible fire-related activities may be eligible.
10. Provision of field camps and meals when made available in place of per diem.
11. Pre-positioning costs. The actual costs of pre-positioning Federal, out-of-State (including compact), and international resources for a limited period may be eligible when those resources are used in response to a declared fire. The Regional Director must approve all pre-positioning costs.
12. Emergency work. Essential assistance activities that may be eligible include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams, public information, and the limited removal of trees that pose a threat to the general public.
13. Temporary repair of damage caused by firefighting activities. Temporary repair of damage caused by eligible firefighting activities involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns; as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed within thirty days of the close of the incident period for the declared fire.
14. Mobilization and demobilization. Costs for mobilization to, and demobilization from, a declared fire may be eligible for reimbursement. Demobilization may be claimed at a delayed date if deployment involved one or more declared fires. If resources are being used on more than one declared fire, mobilization and demobilization costs must be claimed against the first declared fire.
15. Fires on co-mingled Federal/State lands. Reasonable costs for the mitigation, management, and control of a declared fire burning on co-mingled Federal and State land may be eligible in cases where the State has a responsibility for suppression activities under an agreement to perform such action on a non-reimbursable basis. (This provision is an exception to normal FEMA policy

under the Stafford Act and is intended to accommodate only those rare instances that involve State firefighting on a Stafford Act section 420 fire incident involving co-mingled Federal/State and privately-owned forest or grassland.)

#### **G. Fire Cost Threshold**

Before an initial grant award to the State is approved under a FMAGP declaration, the State's grant application (SF 424) must demonstrate that total eligible costs for the declared fire meet or exceed either the individual fire cost threshold, which is applied to each and every fire, or the cumulative fire cost threshold, which recognizes numerous smaller fires burning throughout a State. Costs of pre-positioning resources will not be included for the purposes of determining whether the grant application meets the fire cost threshold.

1. The individual fire cost threshold for a State is the greater of:
  - a) \$100,000, or
  - b) Five percent x \$1.18 x the State population
2. The cumulative fire cost threshold for a State is the greater of the following:
  - a) \$500,000; or
  - b) Three times the five percent x \$1.18 x the State population
3. Under the cumulative fire cost threshold, assistance will only be provided for the declared fire responsible for meeting or exceeding the cumulative fire cost threshold and any future declared fires for that calendar year.
4. The \$1.18 per capita impact indicator in the cost threshold formula is adjusted annually for inflation using the Consumer Price Index.

#### **H. Grant Administration**

Seventy-five percent Federal cost share to be applied to all fire management assistance grants. The cost share provision will be outlined in the terms and conditions of the FEMA-State Agreement for the Fire Management Assistance Grant Program. Direct and indirect costs for the administration of a fire management assistance grant will be reimbursed. Within 90-days of the Performance Period expiration date, the State will submit a final Financial Status Report (FEMA Form 20-10), which reports all costs incurred within the incident period and all administrative costs incurred within the performance period.